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In re Application of	:	DECISION ON
Valery SMETANNIKOV	:	
Application No.: 10/569,551	:	
PCT No.: PCT/RU2003/000273	:	
Int. Filing Date: 25 June 2003	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 0540-1044	:	
For: GRAPE TREATMENT METHOD ...	:	
WINEMAKING CONTAINER	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed on 27 February 2006. The Deposit Account No.: 50-0417 has been charged the petition fee of \$750.00 and the surcharge fee of \$65.00 for the late filing of the Declaration for a total amount \$825.00.

BACKGROUND

On 25 June 2003, this international application was filed. A copy of the international application was transmitted to the United States from the International Bureau on 29 December 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 December 2005.

On 27 February 2006, applicant filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee, petition fee for revival of an unintentionally abandoned application, and executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **27 February 2006**.



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